

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Terrence Fitch,

Plaintiff,

v.

Case No. 23-CV-0082

Joseph Lacroix, et al.,

Defendants.

**DEFENDANTS' REPLY TO PLAINTIFF'S
OPPOSITION TO MOTION TO QUASH SUBPOENA**

NOW COMES Defendants Tanya Rosales and Joseph Lacroix, represented by their attorneys, City Attorney Evan C. Goyke and Assistant City Attorney Maria Mesoloras, and reply in support of their Motion to Quash Subpoenas [ECF 73] and in reply to Plaintiff's Opposition to Motion to Quash Subpoenas [ECF 86], and show as follows:

1. Defendants Rosales and Lacroix were served with subpoenas *duces tecum* by Plaintiff on October 15, 2024. *See* ECF 73-1 and ECF 73-2.
2. Defendants filed a Motion to Quash subpoenas on various bases, including that the subpoenas did not comply with Federal Rules of Civil Procedure Rule 45 insofar as providing notice and copy on each party before serving it upon the person to whom it was directed, that it failed to allow a reasonable amount of time to comply (having set the deadline for October 7, 2024,

despite that the subpoena was not even served until October 15, 2024), referring to incorrect persons as counsel of record for Defendants, etc. *See* ECF 73.

3. However, Defendants proposed that the Court instead direct Defendants to respond to those subpoenas as if they were discovery requests under Federal Rules of Civil Procedure Rule 34 and respond within thirty (30) days of the date of service. *See* ECF 73.
4. Defendants complied with their above-mentioned proposal, treating the improper October 15, 2024 subpoena requests for documents as discovery requests under Rule 34, and timely responding to Plaintiff by serving their responses on Plaintiff on November 13, 2024. *See* Exhibit A (enclosure letter for subpoena response, and USPS Certified Mail receipt); and ECF 83-5.
5. Plaintiff elected to receive correspondence concerning this case at a P.O. Box which he apparently does not check before filing pleadings “under penalty of perjury” in which he falsely claims, “As of present date and time the Defendants have refused to provide the requested material evidence.” *See* ECF 85; and Exhibit B (USPS tracking information showing delivery of aforementioned subpoena responses served on Plaintiff by Defendants, available for pick-up at Plaintiff’s post office box).
6. Defendants note that this is not the first false allegation Plaintiff has made against them in official court filings, and directs the Court to ECF 81 and

ECF 82, and to Defendants' responses to same made in ECF 83 and ECF 84.

7. Defendants further note that Plaintiff's response to their Motion to Quash is untimely, pursuant to Civil Local Rule 7(b).

Defendants respectfully request that the Court grant Defendants' Motion to Quash, and further request that the Court sanction Plaintiff for making false statements under penalty of perjury and for any other relief the Court deems just and proper.

Dated and signed at Milwaukee, Wisconsin this 20th day of November, 2024.

EVAN C. GOYKE
City Attorney

s/ Maria Mesoloras

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